

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL T. USZAK,

Plaintiff,

vs.

YELLOW TRANSPORTATION, INC.,

et al.,

Defendants.

CASE NO. 1:06CV837

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J.:

This Court, having reviewed the Report and Recommendation (ECF DKT #227) and Order (ECF DKT #228) of the Magistrate Judge regarding the fee applications of Defendant Yellow Transportation Services, Inc. (ECF DKT #79), Defendant Truck Drivers Union Local 407 (ECF DKT #81), and Defendant International Brotherhood of Teamsters (ECF DKT #82), and the Objections (ECF DKT #236) of Plaintiff's counsel, Sidney N. Freeman, and having conducted a *de novo* review of the issues raised, fully agrees with the reasoning and conclusions of the Magistrate Judge, and completely adopts her factual findings and legal conclusions as its own and incorporates them by reference. As a Rule 11 sanction, Mr. Freeman shall pay a total of Ten Thousand Dollars (\$10,000) in attorneys' fees to the Union and IBT – Five Thousand

Dollars (\$5,000) to the Union and Five Thousand Dollars (\$5,000) to IBT. Yellow Transportation is not entitled to attorneys' fees under Rule 11; however, pursuant to Rule 37(a)(4)(A), Mr. Freeman shall pay Three Thousand Four Hundred Fourteen Dollars and Fifty Cents (\$3,414.50) in attorneys' fees to Yellow Transportation.

In light of this Order, Defendants' Petition (ECF DKT #246) for an Order to Show Cause Why Plaintiffs' Counsel Sidney N. Freeman Should Not Be Held in Contempt is denied as premature.

IT IS SO ORDERED.

DATE: July 21, 2008

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge